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September 28, 2018

Via email (marsha.kauffman@wvhouse.gov)

Marsha Kauffman, Esq.
House Judiciary Committee
Room 418M
State Capitol Complex
1900 Kanawha Blvd. E.
Charleston, WV 25302

RECEIVED
CLERK OF THE SENATE
DATE: 9-28-18 TIME: 1:46 pm
By: LC

Re: *In the Matter of Impeachment Proceedings Against Respondent Justice Elizabeth Walker* – Justice Walker’s Third Supplemental Reciprocal Disclosures Pursuant to S.R. 203 Rule 21(c)

Dear Ms. Kauffman:

In accordance with the *Rules of the West Virginia Senate While Sitting as a Court of Impeachment During the 83rd Legislature* (the “Rules”), Justice Walker provides the following Third Supplemental disclosures:

- (1) Any written or recorded statement of Justice Walker in Justice Walker’s possession which Justice Walker intends to introduce into evidence in her case-in-chief under Article XIV of the Articles of Impeachment.

See attached documents Bates-numbered “Walker 889 - Walker 897.” Justice Walker may also introduce any such statements produced by the other Justices or the Managers.

- (2) Any books, papers, documents, data, photographs, tangible objects, buildings or places, or copies of such items in Justice Walker’s possession that Justice Walker intends to use in her case-in-chief under Article XIV of the Articles of Impeachment.

See attached documents Bates numbered “Walker 889 - Walker 897.” Justice Walker may also introduce any such documents produced by the other Justices or the Managers.

Justice Walker reserves the right to supplement these disclosures as necessary and permissible under the Rules. Please do not hesitate to contact me if you have any questions.

Marsha Kauffman
September 28, 2018
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Sincerely,



Michael B. Hissam

*Counsel for the Hon. Elizabeth D. Walker,
Justice of the Supreme Court of Appeals
of West Virginia*

cc: Hon. John Shott, House Manager (via email)
Lee Cassis, Clerk of the Senate (via email)

SUPREME COURT OF APPEALS
OF WEST VIRGINIA

BARBARA H. ALLEN
INTERIM ADMINISTRATIVE DIRECTOR



ADMINISTRATIVE OFFICE
BUILDING 1, ROOM E-100
1900 KANAWHA BOULEVARD, E.
CHARLESTON, WV 25305-0832
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MEMORANDUM

TO: ALL JUSTICES
FROM: BARBARA H. ALLEN *Barbara H. Allen*
DATE: JULY 17, 2018
RE: FINAL ADMINISTRATIVE CONFERENCE MINUTES

Attached for your records are final Minutes from the Administrative Conference held
Thursday, June 21, 2018.

Attachment

MINUTES
ADMINISTRATIVE CONFERENCE

JUNE 21, 2018

1. NEW BUDGET ANALYST POSITION IN THE DIVISION OF FINANCE

The Court reviewed the position description prepared for the position of Budgetary Analyst, and, although some concerns were expressed as to the sufficiency of the training requirement (bachelor's degree ... with at least 24 semester hours in accounting), felt that no revision to the position description was warranted at this time.

2. OUT-OF-STATE TRAVEL REQUESTS

2.1 By a vote of 4-0, the Court denied Magistrate Tammy Marple's request to attend "Enhancing Judicial Bench Skills" on July 9-12, 2018, in Orlando, Florida. The Court directed the Interim Administrative Director to inform Magistrate Marple of this decision, specifically noting that it was based solely on the lack of a policy with respect to out-of-state travel for magistrates. In this regard, the Court also directed the Interim Administrative Director to update the policy for out-of-state travel for circuit judges, to draft policies for out-of-state travel for family court judges and magistrates, and to submit all such proposals for approval and adoption by the Court.

2.2 By a vote of 4-0, the Court approved the request of Teresa Tarr for her and Executive Assistant Pam Schafer to attend the 2019 AJDC Annual Meeting and Conference on July 25-27, 2018, in Washington, D.C.

3. APPLICATION OF GEORGE J. FAHEY TO BE A SENIOR STATUS MAGISTRATE

By a vote of 4-0, the Court approved the application of George J. Fahey to be a Senior Status Magistrate.

Submitted by:

 Date: 7/17/18

Barbara H. Allen

4. **REQUEST FROM TWENTY-THIRD JUDICIAL CIRCUIT CHIEF JUDGE CHRISTOPHER WILKES**

By a vote of 4-0, the Court denied Chief Judge Christopher Wilkes' request to remain as Chair of the Business Court Division and continue serving as a Business Court Judge, after taking senior status. The Court specifically noted its unanimous determination on June 16, 2016, "that no senior status judge can be tapped to conduct treatment courts of any kind or be placed by appointment on the Mass Litigation Panel or in the Business Court Division," concluding that the determination served an important purpose: to allow more circuit judges to participate.

5. **TRAVEL POLICY**

By a vote of 4-0, and after ascertaining that specific issues and concerns previously raised by Justice Walker had been satisfactorily addressed, the Court adopted the "Travel Policy and Standards" submitted by Administrative Counsel. The Court directed the Interim Administrative Director to disseminate copies of the policy to all judicial employees.

6. **DIVISION OF PROBATION SERVICES**

By a vote of 4-0, the Court approved payment of an invoice for the Interstate Commission for Juveniles annual dues assessment of \$12,000.00. As a member state to the Interstate Compact for Juveniles, W. Va. Code §49-7-301, West Virginia is required to pay these dues.

By a vote of 4-0, the Court approved hiring Angela Perdue for the Drug Court Specialist position, at a salary of \$50,000.00.

By a vote of 4-0, the Court approved Jackson County's request to start a new Adult Drug Court. At this time, the institution of a ADC will not require the hiring of an additional Probation Officer; in this regard, however, the Court directed Director of Probation Services Stephanie Bond to monitor the numbers.

After lengthy discussion, the Court voted 4-0 to defer decision on all other issues raised in Director Bond's report, appended to the Agenda at Tab 6, and will hold another administrative conference within the next few weeks to come to consensus on all other probation-related issues. In this regard, the Court directed Ms. Bonds to gather information relative to her proposals to change the probation ratios, including: the number of new probation officers required; a cost analysis for hiring the officers ; space requirements for the officers; "first dibs" hiring of former ISO's who were previously released when probation services were consolidated; the necessity of cross-training the officers; whether the officers should have "specialty" designations and, if so, what additional duties should be assigned when the "specialty" case load is below the ratio; whether two officers are needed for home visits in all instances, as is currently the practice in

Submitted by:



Barbara H. Allen

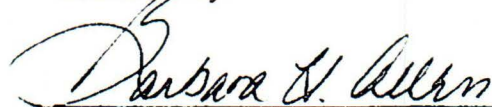
Date: 7/17/18

some counties; and whether OCMS is sufficient for its purposes and, if not, whether it should be replaced or modified. At the upcoming administrative conference, the Court will also consider issues concerning hiring, firing, and management of probation officers, including: whether the Court or the circuit judges will make the final determination on hiring and/or firing; ensuring that the Court's mandates are being followed with respect to classification of offenders and supervision of offenders; and all other matters necessary to ensure the optimal supervision of criminal offenders and the concomitant protection of the public.

7. **RECONSIDERATION OF CLERK'S PROPOSALS WITH RESPECT TO PROCEEDINGS BROUGHT PURSUANT TO W. VA. CODE § 15A-4-19**

By a vote of 4-0, the Court voted to rescind its decision made in administrative conference on June 12, 2018, to assign an alphabetic code of MHI to proceedings brought pursuant to W. Va. Code §15A-4-19(a). In this regard, the Court has adopted a proposal by Clerk Edythe Nash Gaiser and Senior Staff Attorney Casey Forbes to achieve the same result without expensive updates of the circuit clerks' various filing systems, specifically: the use of a form order developed by the Clerk's Office and the Administrative Office, which order is currently being uploaded to the Court's intranet and connected to the state mental health registry and NICS.

Submitted by:



Barbara H. Allen

Date: 7/17/18

WALKER 892

**ADMINISTRATIVE DIRECTOR
WEST VIRGINIA SUPREME COURT OF APPEALS**

Full-time position located in Charleston, West Virginia. Highly qualified individual sought by the Supreme Court of Appeals to serve as Administrative Director. The Administrative Director works under the general administrative policies of the Supreme Court and the oversight authority of the Chief Justice, and is responsible for administrative control of non-judicial activities of the state court system including budget development and financial accountability, procurement and inventory control, personnel and payroll administration, statistical data collection and analysis, planning and administrative policy development, facility development and maintenance, judicial and non-judicial staff training, technology development and systems administration, and other duties that may be required by the Supreme Court. The Administrative Director also serves as the liaison for the court system as a whole with the legislative branch, executive branch, local governments, the Bar, news media, and general public. Qualifications include: superior academic record; a Juris Doctor degree; exemplary interpersonal skills; flexibility to adapt to complex automated information systems and technological advances in court system management; demonstrated leadership skills and experience in decision making relevant to the management of the court system; strong written and oral communication skills; and the ability to supervise and direct staff activities. Salary \$80-85,000, commensurate with qualifications and experience. Persons selected for an interview will be required to travel to Charleston at their own expense. Submit resume and cover letter detailing qualifications and employment history to James M. Albert, Interim Administrative Director, Room E-100, State Capitol, Charleston, West Virginia 25305. Deadline for applications: March 14, 2003.

Office of the Administrative Director – Director

Nature of Work:

This position performs highly responsible administrative work in directing the administrative activities of the Supreme Court and carrying out the duties set forth in West Virginia Constitution Article VIII, § 3, and West Virginia Code Chapter 51.

Examples of Work Performed:

- Provides administrative control of non-judicial activities of the Supreme Court; supervises employees of the Supreme Court, other than confidential personnel; gathers and analyzes caseload statistics from the circuits; oversees the personnel system
- Prepares the state judicial budget; monitors expenditures to insure compliance with the budget
- Directs such studies and projects as are deemed necessary by the Supreme Court
- Prepares and delivers speeches, papers, and other materials to diverse groups

Minimum Qualifications:

- Graduation from a four-year college with a degree in public administration, business administration, or a related field
- Extensive experience in court or related administrative or professional work

Desirable Skills and Knowledge:

- License to practice law in West Virginia
- Knowledge of modern principles and practices of public administration
- Knowledge of court procedures, legal documents, laws, and legal factors pertaining to the judiciary
- Knowledge of the organization, functions, responsibilities, and procedures of the courts
- Ability to interact with the public and government officials in a variety of situations and circumstances
- Ability to organize, direct, and coordinate administrative activities in a manner conducive to full performance and high morale
- Ability to express ideas on technical subjects clearly and concisely, orally and in writing

**Administrative Office of
The Supreme Court of Appeals of West Virginia
Position Announcement**

**ADMINISTRATIVE OFFICE - KANAWHA COUNTY
EMPLOYMENT OPPORTUNITY**

Position open until filled (Posted 06/14/18)

The Supreme Court of Appeals of West Virginia has an immediate professional opportunity for an *Administrative Director of Courts* in Charleston, West Virginia. This position directly reports to the Chief Justice of the Supreme Court of Appeals, as well as the other Justices.

Administrative Director of Courts

Position Purpose: This position performs highly responsible administrative work in directing the administrative activities of the Supreme Court and carrying out the duties set forth in Article VIII, § 3 of the West Virginia Constitution and West Virginia Code Chapter 51. Primary areas of responsibilities include: Security Services; Communications and Public Information; Legal Services, including Library and Human Resources Services; Technology Services; Finance, Accounting and Administration Support, including Payroll and Facilities Management; Education and Outreach Programs; Probation Services; and Court Services and Support, including Children and Juvenile Services, Circuit, Family, Magistrate, and Specialty Courts, including Drug and Business Courts. The Administrative Director also serves as a liaison to advisory groups of committees, of justices, judges, administrators that provide recommendations and advice for policy-making, business practice change, and service delivery.

Minimum Qualifications:

- Bachelor's Degree from an accredited institution with a degree in judicial administration, business administration, public administration, law, or a related administration field. Juris Doctorate or advanced degree highly preferred.
- At least ten (10) years of progressively responsible experience in legal administration, court administration, and/or related judicial experience is highly preferred, but not mandatory.
- At least five to ten (5-10) years of supervisory experience preferred.

Skills and Knowledge:

- Licensed to practice law in West Virginia (highly preferred).
- Ability to interact with the public and government officials in a variety of situations and circumstances.
- Ability to organize, direct, and coordinate administrative activities in a manner conducive to full performance and high morale.
- Knowledge of the organization, functions, responsibilities, and procedures of the courts.
- Knowledge of court procedures, legal documents, laws, and legal factors pertaining to the West Virginia judiciary highly desirable.
- Knowledge of modern principles and practices of public administration.
- Ability to express ideas on a variety of subjects, including legal and technical, clearly and concisely, orally and in writing.

- Demonstrated leadership acumen with high ethics and the ability to perform ad hoc problem solving in fast paced, high pressure situations.

Primary Duties and Responsibilities include:

- Supports the Supreme Court of Appeals of West Virginia in discharging its responsibility to provide for the administration of justice.
- Implements the rules, orders, and policies of the Court as they apply to court administration as well as enforces all Chief Justice directives and state statutes related to courts within the West Virginia Judicial System.
- Develops and implements strategic plans designed to ensure a shared vision and values throughout the Courts of West Virginia.
- Develops, promotes, and enforces statewide administrative practices and procedures under the direction and approval of the Supreme Court of Appeals. Engages in continuing examination and evaluation of existing administrative practices and procedures toward making recommendations for improvements.
- Leads and directs with integrity the employees of the Administrative Office of the Supreme Court through oversight of employee selection, employment, performance management, and termination processes, executed in accordance with the law and sound human resources management principles.
- Prepares the state judicial budget following principles of cost-effectiveness, efficiency, and transparency. Monitors expenditures to ensure compliance with the budget.
- Gathers and analyzes a variety of reports and statistics, and makes recommendations for appropriate action in support of the principles of the Supreme Court of Appeals.
- Participates in appropriate and assigned legislative, executive, public, and other extracurricular activities toward promotion of the efforts of the Supreme Court and its administration of justice, including the delivery of speeches, papers, and other materials to diverse groups. Represents the Supreme Court in non-judicial matters with outside entities such as law enforcement, news media, committees, bar associations, and other groups having an interest in the courts of West Virginia, and administrative matters such as delivery of probation and related services, and the high overriding goal of administration of justice in West Virginia.
- Performs other duties as assigned

Criminal Background Check: Successful candidates must submit to criminal background check.

Compensation and Benefits include:

- Competitive salary based on experience and qualifications,
- Medical Insurance,
- Optional Flexible Benefits Coverage (dental, vision, disability, and excess medical),
- Life insurance,
- Defined benefit pension plan,
- Section 457 deferred compensation plan, 12 paid holidays, and
- Annual and sick leave.

West Virginia Courts

West Virginia has a Unified Court System, under which all state courts, including Circuit Courts, Magistrate Courts, and Family Courts, are supervised and administered by the Supreme Court of Appeals. The Supreme Court of Appeals is also the state's only appellate court. The Supreme Court of Appeals and its Administrative Office are located in Charleston and housed in the State Capitol Complex. More information about West Virginia's Courts can be found on our website at www.courtswv.gov.

Equal Opportunity in Employment

It is the policy of the West Virginia judiciary to provide equal opportunity in employment for all persons, and to recruit, select, train, promote, retain, and discipline without regard to race, color, sex, age, disability, religion, sexual orientation, or national origin. Further, it is the policy of the West Virginia judiciary to maintain a professional workplace in which individuals are accorded respect, and an environment free of harassment, including verbal or physical conduct that creates an intimidating or hostile environment for any individual on any prohibited basis. As an employer with an Equal Employment Opportunity/Affirmative Action Plan, the Court complies with government regulations and related Equal Employment Responsibilities where applicable.

Application Process

To apply for this position, please direct the completed Court Employment Application (available on Court website), signed and notarized Release for Criminal/Background Check (available on Court website), along with a letter of interest highlighting applicable experience, and a resume, including references to:

Joan.Mullins@courtswv.gov

Thank you for your interest in employment with the Supreme Court of Appeals of West Virginia.